

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

NATALIE A. PACILEO,	:	Case No. 15-11315-TPA
d/b/a ERIE COUNTY FARMS,	:	Chapter 7
<i>Debtor.</i>	:	Related to Doc. No. 500
	:	
GARY V. SKIBA,	:	
<i>movant</i>	:	
	:	
v.	:	
	:	
UNITED STATES OF AMERICA	:	
INTERNAL REVENUE SERVICE;	:	
PENNSYLVANIA DEPARTMENT	:	
OF LABOR AND INDUSTRY;	:	
PENNSYLVANIA DEPARTMENT	:	
OF REVENUE; PERRY PLAZA	:	
ERIE PA LIMITED; FORD	:	
BROTHERS WHOLESALE MEATS,	:	
INC.; BRIGIOTTA'S FARMLAND	:	
PRODUCE & GARDEN CENTER,	:	
INC.; JOSEPH P. SPERO,	:	
CHAPTER 7 TRUSTEE; and	:	
NATALIE A. PACILEO,	:	
<i>Respondents</i>	:	

**ORDER**

A hearing was held on July 14, 2022, on the Debtor's ***Motion to Reopen Chapter 7 Case*** ("Motion") filed at Document No. 500, at which time Counsel for the Debtor requested that the Court reopen this matter for the purpose of appropriately distributing \$44,992.55 in funds that he is currently holding in his IOLTA account. These funds were generated from the sale of two parcels of property that were sold on behalf of the Debtor.

At the time of the hearing, the Court expressed its frustration that this matter was not brought to its attention earlier, and explained that, due to the roughly 6-year delay in raising the issue, the Court is not inclined to exercise its discretion and grant the full relief requested by the Debtor. However, based on the relevant filings and statements made on the record during the July 14<sup>th</sup> hearing, it is the Court's view that Brigiotta's Farmland Produce and Garden Center, Inc., having a secured claim of \$49,052.37, well in excess of the \$44,992.55 available for distribution, is entitled to payment of the full amount available under the PACA trust provisions.

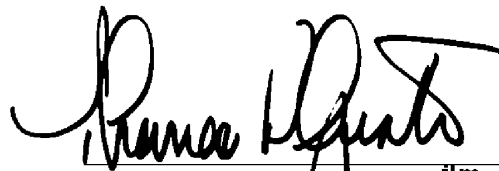
Assuming no Objection is filed to the contrary, the Court is prepared to order a complete distribution of the funds available to be paid to Brigiotta for the principal amount of its PACA trust claim of \$38,480.12, \$4,993.99 in interest, and \$5,688.37 in attorney's fees. Therefore,

***AND NOW***, this ***19<sup>th</sup>*** day of ***July 2022***, upon consideration of the *Motion* (Doc. No. 500), and in light of the matters discussed above and on the record at the time of the July 14, 2022, hearing, it is hereby ***ORDERED, ADJUDGED, and DECREED*** that:

(1) Any party wishing to challenge the award of the proceeds to Brigiotta shall file an objection in the form of a ***Response*** with the Court ***on or before August 4, 2022***.

(2) ***Effective August 5, 2022***, Attorney Gary V. Skiba, Counsel for the Debtor, shall pay to Brigiotta's Farmland Produce and Garden Center, Inc., the total sums held in his IOLTA account, \$44,992.55, as payment in full of its PACA rights, as discussed at the July 14<sup>th</sup> hearing and as further articulated in the *Proposed Order* filed on July 15, 2022, (Doc. No. 512). Provided, however, if an objection in the form of a ***Response*** is filed ***on or before August 4, 2022***, the effect of this Order will be stayed pending further Court order.

(3) Attorney Gary V. Skiba shall *immediately* serve the above-captioned Respondents to the *Motion* with a copy of this Order and *on or before Friday, July 22*, file a *certificate of service* with this Court.



Thomas P. Agresti, Judge jlm  
United States Bankruptcy Court

Case Administrators to serve:  
Debtor  
Gary Skiba, Esq.  
Kate Ellis, Esq.  
Michael Kruzewski, Esq.

In re:  
Natalie A. Pacileo  
Debtor

Case No. 15-11315-TPA  
Chapter 7

## CERTIFICATE OF NOTICE

District/off: 0315-1  
Date Rcvd: Jul 19, 2022

User: auto  
Form ID: pdf900

Page 1 of 3  
Total Noticed: 2

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
#	Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 21, 2022:

Recip ID	Recipient Name and Address
db	#+ Natalie A. Pacileo, 6400 Dobler Road, Girard, PA 16417-8780
aty	+ Kate Ellis, McCarron & Diess, 4530 Wisconsin Ave, N.W., Ste 301, Washington, DC 20016-4667

TOTAL: 2

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 21, 2022

Signature: /s/Gustava Winters

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 19, 2022 at the address(es) listed below:

Name	Email Address
Aaron S. Applebaum	on behalf of Creditor Brigiottas Farmland Produce & Garden Center Inc. aaron.applebaum@us.dlapiper.com, carolyn.fox@us.dlapiper.com
Aaron S. Applebaum	on behalf of Creditor Consumer Fresh Produce Inc. aaron.applebaum@us.dlapiper.com, carolyn.fox@us.dlapiper.com
Alicia M. Sandoval	on behalf of Creditor Bayview Loan Servicing LLC, attorney in fact for M&T Bank asandoval@okllp.com, brausch@pincuslaw.com
Alicia M. Sandoval	on behalf of Creditor M&T BANK asandoval@okllp.com brausch@pincuslaw.com

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Carole Katz	on behalf of Mediator Carole Katz carole@carolekatz.com
Charles Kelly	on behalf of Creditor Brigiottas Farmland Produce & Garden Center Inc. ckelly@saul.com, thay@saul.com
Charles Kelly	on behalf of Plaintiff Brigiotta's Farmland Produce & Garden Center Inc. ckelly@saul.com, thay@saul.com
Charles Kelly	on behalf of Creditor Consumer Fresh Produce Inc. ckelly@saul.com, thay@saul.com
Dorothy A. Davis	on behalf of Creditor Wilmington Savings Fund Society FSB, et. al. ddavis@eckertseamans.com
Gary V. Skiba	on behalf of Accountant Trish Shoulders gskiba@marshlaw.com DGeniesse@marshlaw.com;rose227@hotmail.com
Gary V. Skiba	on behalf of Debtor Natalie A. Pacileo gskiba@marshlaw.com DGeniesse@marshlaw.com;rose227@hotmail.com
Gary V. Skiba	on behalf of Interested Party Gary V Skiba gskiba@marshlaw.com DGeniesse@marshlaw.com;rose227@hotmail.com
Harry A. Readshaw	on behalf of Creditor Wilmington Savings Fund Society FSB, et. al. hreadshaw@wtplaw.com, readshaw4@yahoo.com
James Warmbrodt	on behalf of Creditor Wilmington Savings Fund Society FSB, et. al. bkgroup@kmlawgroup.com
Jeffrey Kurtzman	on behalf of Creditor Perry Plaza Erie PA LP Kurtzman@kurtzmansteady.com
Jeffrey Kurtzman	on behalf of Creditor First Allied Corporation Kurtzman@kurtzmansteady.com
Jeffrey C. Hampton	on behalf of Creditor Consumer Fresh Produce Inc. jhampton@saul.com
Jennifer M. Irvin	on behalf of Creditor Commonwealth Of Pennsylvania Department of Labor and Industry, Unemployment Compensation Fund jeirvin@pa.gov, jeirvin@pa.gov
Jeremy Brian Darling	on behalf of Creditor Brigiottas Farmland Produce & Garden Center Inc. jdarling@saul.com, nmanning@saul.com
Jeremy Brian Darling	on behalf of Creditor Consumer Fresh Produce Inc. jdarling@saul.com, nmanning@saul.com
Jill Locnikar	on behalf of Creditor United States of America Department of the Treasury Internal Revenue Service jill.locnikar@usdoj.gov, patricia.fitzgerald@usdoj.gov;caseview.ecf@usdoj.gov;kassi.horton@usdoj.gov
John F. Kroto	on behalf of Creditor Perry Plaza Erie PA LP john_kroto@pawb.uscourts.gov, knoxbank@hotmail.com,mwernicki@kngslaw.com,burban@kngslaw.com
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Justin M. Tuskan	on behalf of Creditor PSF Acquisition Company LLC jtuskan@metzlewis.com, mmattheis@metzlewis.com
Kate Ellis	on behalf of Plaintiff Brigiotta's Farmland Produce & Garden Center Inc. kellis@mccarronlaw.com
Michael J. Joyce	on behalf of Creditor Brigiottas Farmland Produce & Garden Center Inc. mjoyce@saul.com
Michael J. Joyce	on behalf of Creditor Consumer Fresh Produce Inc. mjoyce@saul.com
Michael P. Kruszewski	on behalf of Creditor Ford Brothers Wholesale Meats Inc. mkruszewski@quinnfirm.com, mboni@quinnfirm.com;quinnbankruptcy@gmail.com;mtrayer@quinnfirm.com;gbebko@quinnfirm.com;quinnbankruptcy2022@gmail.com
Michael P. Kruszewski	on behalf of Defendant Ford Brothers Wholesale Meats Inc. mkruszewski@quinnfirm.com, mboni@quinnfirm.com;quinnbankruptcy@gmail.com;mtrayer@quinnfirm.com;gbebko@quinnfirm.com;quinnbankruptcy2022@

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gmail.com

Michael S. Jan Janin

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mboni@quinnfirm.com;mtrayer@quinnfirm.com;gbeeko@quinnfirm.com;quinnbankruptcy2022@gmail.com

Norma Hildenbrand, on Behalf of the United States Trustee by

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Office of the United States Trustee

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Thomas Brasco, Jr.

on behalf of Plaintiff Natalie A. Pacileo tbrasco@yochim.com donna@yochim.com

TOTAL: 36